IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

MACA.No. 1920 of 2006()

OPMV.3536/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

APPELLANT:3RD RESPONDENT:

NATIONAL INSURANCE COMPANY LIMITED,
M.G.ROAD, ERNAKULAM, REPRESENTED BY ITS
MANAGER, NATIONAL INSURANCE COMPANY LTD.,
MOTOR THIRD PARTY CLAIMS SECTION, AJAY VIHAR,
M.G.ROAD, ERNAKULAM.

BY ADV. SRI.LAL GEORGE

RESPONDENTS: PETITIONERS 2,3 & 4 AND RESPONDENTS 1 & 2:

P.V.RAVEENDRAN, AGED 45, S/O. VASU,
ELAKUNDAYIL HOUSE, MARAVAMTHURUTHU P.O.,
VAIKOM. (DIED)

1. SHYAMALA RAVEENDRAN, AGED 40,
W/O. LATE RAVEENDRAN, ELAKUNDAYIL HOUSE,
MARAVAMTHURUTHU P.O., VAIKOM.

2. RESHMI, AGED 22, D/O. LATE RAVEENDRAN,
ELAKUNDAYIL HOUSE, MARAVAMTHURUTHU P.O.,
VAIKOM.

3. RAJANI, D/O. LATE RAVEENDRAN,
ELAKUNDAYIL HOUSE, MARAVAMTHURUTHU P.O.,
VAIKOM.

4. O.V.RAMAKRISHNAN, S/O. VELAYUDHAN,
OTTATHAPARAMBIL HOUSE, CHERANELLOOR P.O.,
COCHIN-34.

5. SABU ISAAC, S/O. PATHROSE ISAAC,
KADALIKANDATHIL HOUSE, KINGINIMATTOM P.O.,
IYKKARANAD.

ADV. SMT.S.K.DEVI
SRI.K.P.PRADEEP (PAYYANNUR)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

M.A.C.A.NO. 1920 OF 2006

Dated this the 19th day of January,2007

JUDGMENT

on 21.8.1998, while the predecessor in interest of the respondents herein, namely, Raveendran was travelling in a KSRTC bus, bearing Registration No.KL-15/1804, an accident occurred at 8.30 P.M. The bus, bearing Registration No.KEF/6687, driven by the second respondent dashed against the KSRTC bus. Raveendran sustained injuries. Raveendran filed O.P.(MV) No.3536 of 1998 claiming compensation. He died pending the claim petition and the respondents herein were impleaded as his legal representatives.

2. As a result of the accident, Raveendran sustained injuries as noticed in Ext.A4 wound certificate. It is noted in the wound certificate that there was injury to the tongue on its right side and that there was pain and difficulty in swallowing. Ext.A10 series medical certificates issued by the Doctors of Medical College Hospital, Kottayam were also

produced. It has come out in evidence that Raveendran was suffering from renal problems as well. Ext.A5 series medical bills were produced to prove the expenses incurred for treatment. Raveendran was employed in Raymonds Retail Shop at Ernakulam.

3. The Tribunal found that the accident occurred due to the rash and negligent driving of the bus, bearing No.KEF/6687. The Tribunal awarded Rs.50,000/- as compensation. Rs.1,500/- was awarded under the head `transportation', Rs.500/- as damage to clothings, Rs.1,000/- towards extra nourishment, Rs.1,000/- as expenses for the attendant, Rs.15,000/- for treatment expenses, Rs.6,000/- for loss of leave, Rs.15,000/- towards pain and suffering and Rs.10,000/- for loss of amenities in life and enjoyment.

4. The learned counsel for the appellant submits that the amount awarded by the Tribunal as compensation is highly excessive and that the Tribunal did not properly consider the documentary evidence produced

before it. He also pointed out that no oral evidence was adduced on behalf of the claimants. Raveendran was aged 45 at the time of accident. Now he is no more. A sum of Rs.50,000/- was awarded by the Tribunal as compensation to his widow and children.

5. On going through the award passed by the Tribunal and taking into account the facts and circumstances of the case, I do not think that the amount awarded by the Tribunal is excessive. No interference is called for.

The Motor Accidents Claims Appeal is dismissed.

(K.T.SANKARAN)
Judge

ahz/